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8 Apple Inc.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
12 SIDDHARTH HARIHARAN, individually
and on behalf of all others similarly
13 situated,

14 Plaintiff,

15 v.

16 ADOBE SYSTEMS INC., APPLE INC.,
GOOGLE INC., INTEL CORP., INTUIT
17 INC., LUCASFILM LTD., PIXAR, AND
DOES 1-200,

18 Defendants.
19

CV 11
Case No.

2509

DECLARATION OF JOEL PODOLNY IN
SUPPORT OF NOTICE OF REMOVAL OF
ACTION FROM STATE COURT
PURSUANT 28 U.S.C. §§ 1331, 1332 & 1441

20
21 I, Joel Podolny, hereby declare:

22 1. I am employed as Vice President of World Wide Human Resources at Apple Inc.
23 ("Apple") in Cupertino, California. I have been employed by Apple since January 5, 2009. I
24 provide this declaration in support of Defendants' Joint Notice of Removal of Action from State
25 Court Pursuant to 28 U.S.C. §§ 1331, 1332, & 1441. Unless otherwise indicated below, the
26 statements in this declaration are based upon my personal knowledge or corporate records
27 maintained by Apple in the ordinary course of business.
28

PODOLNY DECL. ISO NOTICE OF
REMOVAL OF ACTION

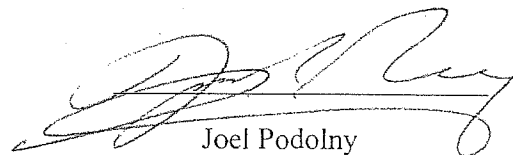
1 2. I understand that Plaintiff purports to represent a class of individuals described in
2 Paragraph 29 of the Complaint in this action as follows:

3 All natural persons employed by Defendants in the United States
4 on a salaried basis during the period from January 1, 2005 through
5 January 1, 2010. Excluded from the class are: retail employees;
6 corporate officers, members of the boards of directors, and senior
executives of Defendants who entered into the illicit agreements
alleged herein; and any and all judges and justices, and chambers'
staff, assigned to hear or adjudicate any aspect of this litigation.

7 3. As of May 19, 2011, Apple had approximately 17,590 salaried, non-retail employees
8 who reside in the United States. As of that same date, Apple had approximately 12,154 salaried,
9 non-retail employees who reside in California. In determining who are "retail employees" for
10 purposes of excluding them from the above figures, I used the meaning of "retail" from Apple's
11 latest 10-K filing with the United States Securities and Exchange Commission.

12 4. Based on my experience, I believe that the percentage of salaried, non-retail United
13 States employees who reside in California for the entire class period is not materially different
14 than the percentage that the above numbers represent. However, due to the shortness of time, I
15 have not been able to make this determination yet for the entire purported class period.

16
17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct. Executed this 22nd day of May, 2011 at Cupertino, California.

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21 
Joel Podolny

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